

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF MISSOURI
SOUTHERN DIVISION**

JADE MCCLEAN, et al.,)
)
On Behalf of Themselves)
All Others Similarly Situated,)
)
Plaintiffs,)
) Case No.: 6:11-cv-03037-DGK
vs.)
)
HEALTH SYSTEMS, INC., et al)
)
Defendants.)

PLAINTIFFS' MOTION FOR RULE 23 CLASS ACTION CERTIFICATION

Plaintiffs, individually and on behalf of all others similarly situated, move this Court for an Order certifying Rule 23 class action claims for Defendants' violations of Missouri Wage Laws (RSMo. § 290.500, *et seq.*) ("Count II"), Breach of Contract ("Count III"), and Unjust Enrichment ("Count IV").

Plaintiffs and those they seek to represent are or were all employed by Defendant Health Systems, Inc. and its 60 nursing homes in the State of Missouri (collectively "HSI"). HSI subjects each of the putative plaintiffs to a series of unlawful pay practices—including an unlawful rounding policy, exclusion of nondiscretionary bonus pay from overtime pay, and failure to pay for work during unpaid meal periods—resulting in these employees working thousands of hours each year without pay.

Plaintiffs meet all the requirements for Rule 23 class certification. Without class certification, the class members will have no practical means of recovering the wages unlawfully denied them, and HSI will continue to be unjustly enriched by its oppressive and unlawful pay practices.

Plaintiffs pursue Count II on behalf of the following class: All hourly, non-exempt employees who worked in an HSI-managed facility since January 25, 2008. Plaintiffs pursue Counts III and IV on behalf of the following class: All hourly, non-exempt employees who worked in an HSI-managed facility since January 25, 2005. In support of this Motion, Plaintiffs incorporate herein their contemporaneously-filed Suggestions in Support.

WHEREFORE, Plaintiffs respectfully request the Court grant this Motion and all relief sought herein, and for such further relief as the Court deems equitable and just.

Respectfully submitted,

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ATTORNEYS FOR PLAINTIFFS

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of the foregoing was electronically filed this 30th day of September, 2011, with the Clerk of Court and therefore served via the Court's electronic filing system on the following counsel of record:

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